

## REMARKS

Claims 1-63, 67, 68, 72-79, 82-85 and 88 are withdrawn from consideration. Claims 64-66, 69-71, 80, 81, 86 and 87 are rejected. Claims 64-66, 69-71, 80, 81, 86 and 87 have been amended. Claims 64-66, 69-71, 80, 81, 86 and 87 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Claims 69, 70, 86 and 87 have been rejected under 35 USC § 112, second paragraph, as being indefinite. Applicants have amended the claims so that there is only one range for the mean particle diameter of the filler in each of these claims. It is believed that these amendments overcome this rejection.

Claims 64-66 and 71 have been rejected under 35 USC §102(b) as being anticipated by Eddy et al (US 5,729,813). Eddy is cited as teaching a fuser member comprising a base, and a fusing surface layer comprising a fluoroelastomer and filler particles with a modulus greater than the modulus of the fluoroelastomer. The mean particle diameter is at least 8 microns. Applicants have amended the claims to require that the filler particle be greater than 50 microns. Support for this amendment is found in Examples 5 and 6 which show the best performance for fuser rollers with filler particles having a 50 micron size. Since Eddy limits the size of the filler particles to 15 microns (col. 7, line 60) which is much less than 50 microns, Eddy does not show every element of Applicants claims and the 35 USC §102(b) rejection is no longer valid.


Claims 69, 70, 86 and 87 have been rejected under 35 USC § 103(a) as being unpatentable over Eddy et al. The Examiner states that it would be a matter of design choice to use a filler particle having a mean particle diameter of 25 to 55 micron or greater than 55 micron because Applicant has not shown that such a mean particle diameter is used for a particular purpose or solves a stated problem. Applicants direct the Examiner to Table 2 wherein it is shown in Examples 5 and 6 that superior gloss and contamination numbers result when compared with Examples 1 and 2. Examples 5 and 6 have filler particles with 50 micron mean diameter while Examples 1 and 2 have mean particle diameters of 12 or 20. This unexpected result is not shown, taught or mentioned in Eddy. Eddy limits the size of the filler particles to between 0.5 and 15 microns, preferably from 1 to 8 micron (col 7, lines 58-61) and most preferably 1 micron

(col 7, lnes 65-67). Thus, Eddy teaches away from the present invention and the 35 USC § 103(a) rejection should be withdrawn.

Claims 80-81 have been rejected under 35 USC § 103(a) as being unpatentable over Eddy et al., in view of Donnelley et al (US 3,669,707). Donnelley is cited to show the teaching of plastic filler particles. However, Donnelley does not cure the deficiencies of the 35 USC § 103(a) rejection and, therefore, this rejection should also be withdrawn.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,

  
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